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13 FRITO-LAY NORTH AMERICA, INC. and  
PEPSICO, INC.

14  
15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

17  
18 JESSE HOUGHTAILING,

19 Plaintiff,

20 v.

21 FRITO-LAY NORTH AMERICA, INC., and  
22 PEPSICO, INC., AND DOES 1 TO 100,  
inclusive,

23  
24 Defendants.  
25

CASE NO. 3:11-cv-05062-TEH  
Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO  
CONTINUE ENTRY OF DISMISSAL;  
[PROPOSED] ORDER GRANTING  
CONTINUANCE**

**IT IS SO ORDERED AS MODIFIED**

Action Filed: August 24, 2011  
Removal Filed: October 14, 2011  
Trial Date: None Set

1 TO THIS HONORABLE COURT:

2 Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants  
3 Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby  
4 agree, stipulate, and respectfully request as follows:

5 1. WHEREAS, on November 19, 2012, the court entered its Order of dismissal, 60 days  
6 following, conditioned upon the performance of the settlement agreement or objection by a party;

7 2. WHEREAS, on February 19, 2013, the Court extended the dismissal deadline to March  
8 18, 2013.

9 3. WHEREAS, on March 18, 2013, the Court extended the dismissal deadline to April 8,  
10 2013.

11 4. WHEREAS, the parties have finalized the wording of the Release and Settlement  
12 Agreement, but the consideration has not been exchanged;

13 5. WHEREAS, the parties need additional time to obtain the necessary approval from the  
14 Workers' Compensation Appeals Board, and believe they will have a finalized agreement no later than  
15 the end of April, 2013;

16 6. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up  
17 to and including April 19, 2013, and request the Court to so Order.

18 IT IS SO STIPULATED.

19 Dated: April 5, 2013

DuCHARME & COHEN

20  
21  
22 By \_\_\_\_\_ *s/ James A. DuCharme*  
23 JAMES A. DuCHARME  
24 Attorneys for Plaintiff  
JESSE HOUGHTAILING

Dated: April 5, 2013

VILLARREAL HUTNER & TODD PC

By

/s/ Julie Wong

TRACY S. TODD

JULIE WONG

## Attorneys for Defendants

FRITO-LAY NORTH AMERICA, INC.

and PEPSICO, INC.

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**ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:**

I attest that concurrence in the filing of this document by the signatory James A. Du Charme, has been obtained, and that a record of the concurrence shall be maintained by Villarreal Hutner & Todd PC.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California this 5<sup>th</sup> day of April, 2013

/s/ Julie Wong  
Julie Wong

1 [PROPOSED] ORDER  
2  
3

4 Having considered the foregoing stipulation of the parties, the Court orders the Dismissal  
5 in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-  
6 TEH, be continued to April 19, 2013, on the same conditions as this Court's Order of November 19,  
7 2012.  
8 ABSOLUTELY no further extensions shall be granted.

9 IT IS SO ORDERED.  
10  
11

Dated: 04/08, 2013  
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